



**MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF POLICE**

TRAINING BULLETIN

#04-03

6/1/04

SUBJECT: GAS/ELECTRIC POWERED MOTORIZED VEHICLES

OBJECTIVE: The purpose of this training bulletin is to clear up several different opinions that have been circulating around the Department. This information is the most current and accurate based on the laws, as they currently exist in *The Maryland Vehicle Law*. This bulletin shall serve as the official position of the Montgomery County Department of Police until such time as *The Maryland Vehicle Law* changes.

Department Position:

- No vehicle is allowed to be driven on the street unless it is either registered or falls under one of the exemptions.
- The Maryland Vehicle Law identifies what motorized vehicles are allowed to be driven on sidewalks in this state.
- A vehicle that is not identified as a vehicle to be registered in the state of Maryland may not be driven on highways in the state of Maryland. Since motorized skate boards, motorized bicycles, motorized mini-bikes, and go-carts are not identified as a vehicle which is to be registered in this state, they may not be registered, therefore, they may not be driven on the highway.
- At this time, the Montgomery County Police Department is taking an educational approach. It is highly suggested that officers witnessing violations identified in this Training Bulletin (i.e., motorized skate boards, motorized bicycles, motorized mini-bikes, go-carts, etc.) issue written warning prior to issuing via the Maryland Uniform Complaint and Citation.

Question: Is a gas or electric motorized toy scooter (as pictured below) a "motor vehicle" as defined in 11-135?

Answer: YES, they are "motor vehicles" as defined in 11-135 and are subject to the laws as motor vehicles.



11-135. Motor vehicle

- a. *In general* - "Motor Vehicle" means, except as provided in subsection (b) of this section, a vehicle that:
 - (1) Is self-propelled or propelled by electric power obtained from overhead electrical wires; and
 - (2) Is not operated on rails.
- b. *Moped or Motor Scooter* - "Motor Vehicle" does not include:
 - (1) A moped, as defined in 11-134.1 of this subtitle; or
 - (2) A motor scooter, as defined in 11-134.4 of this subtitle.

Whether gas or electric powered, they are vehicles that are self-propelled and do meet the definition of a "motor vehicle" as defined in 11-135.

Question: Are they a "moped" or a "motor scooter" except as listed in Section 11-135 (b)?

Answer: NO. They do not meet the full requirements of the definitions.

11-134.1 Moped

"Moped" means a bicycle that:

- (1) Is designed to be operated by human power with the assistance of a motor;
- (2) Is equipped with pedals that mechanically drive the rear wheel or wheels;
- (3) Has two or three wheels, of which are more than 14 inches in diameter; and
- (4) Has a motor with a rating of 1.5 brake horsepower or less, and, if the motor is an internal combustion engine, a capacity of 50 cubic centimeters piston displacement or less.

11-134.4 Motor scooter

- a. *In general* - "Motor Scooter" means a non-pedal vehicle that:
 - (1) Has a seat for the operator;
 - (2) Has two wheels, of which one is 10 inches or more in diameter;

- (3) Has a step-through chassis;
 - (4) Has a motor;
 - (i) With a rating of 2.7 brake horsepower or less; or
 - (ii) If the motor is an internal combustion engine, with a capacity of 50 cubic centimeters piston displacement or less; and
 - (5) Is equipped with an automatic transmission.
- b. *Off road vehicles* - "Motor Scooter" does not include a vehicle that has been manufactured for off-road use, including a motorcycle and an all-terrain vehicle.

The motorized toy scooters clearly do not meet the definition of a "moped." They also do not meet the definition of a "motor scooter." None of the styles pictured previously have a wheel that is 10 inches or more in diameter. Additionally, the models that look like mini-motorcycles do not have a step-through chassis. Because they are self-propelled and do not meet the exceptions, they are "motor vehicles" as defined by the law and subject to the laws accordingly. Please keep in mind that *The Maryland Vehicle Law* could not possibly list every type of vehicle produced. *The Maryland Vehicle Law* addresses which "motor vehicles" are approved for use on the roadway and everything else by default is not approved.

Question: What is an example of a "motor scooter" that is permitted to be on the road?

Answer: Two examples of a "motor scooter" that meet the definition as defined in 11-134.4 are pictured below. These are "motor scooters" that you would most likely find at a motorcycle shop. They usually cost at least \$1,500 dollars. If they are 50 cc's or less, they do not require tags. The driver must have a valid driver's license of any class from any state or country in which they reside, or have a moped operator's permit issued by the Maryland MVA. (see 16-101 (b 1-3)). Additionally, they do not require a helmet, can not be operated on a roadway with a speed limit of more than 50 miles per hour (21-1205.1 (a 1)) and can not be operated in excess of 30 miles per hour (21-1205.1 (c)).



Question: Can the gas or electric motorized toy scooters be operated on a sidewalk?

Answer: NO. Just as an A.T.V., go-cart, dirt bike motorcycle, etc., they are for use on private property only, with the permission of the owner/agent.

21-1103 Driving on a sidewalk

- a. *Driving prohibited* - Except as provided in subsection *b* or *c* of this section, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway.
- b. Exceptions - Bicycles, play vehicles, etc.
 - (1) For purposes of this subsection, "bicycle" does not include a "moped," as defined in 11-134.1 of this article.
 - (2) Where permitted by local ordinance, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area.
- c. *Same - Special vehicles of individuals with disabilities* - Where permitted by local ordinance, an individual with a disability may use a special vehicle on sidewalks or sidewalk areas, from one-half hour after sunrise to one-half hour before sunset.



These gas or electric motorized toy scooters are "vehicles" as defined in 11-176 and can not be operated on a sidewalk. This includes all "motor vehicles" as well. They do not meet the definition of a "bicycle" as defined in 11-104 or a "play vehicle" as defined in 21-101 (i). The section of a sidewalk, addressed in 21-1103 a, that is permissible to drive on is the section of sidewalk located between a driveway and the entrance to the roadway. For example, if you back out of your garage into the street, you would need to drive across part of the sidewalk in order to get to the roadway. Additionally, "vehicle" does not include an electric personal assistive mobility device as defined in 21-101 (g-1). These devices are currently sold under the brand name "Segway" (pictured left). They are not considered "vehicles," and by default, are not considered "motor vehicles." They do not require a helmet or a license and can be driven on the sidewalk.

Question: What charges could be placed on an individual driving on one of the gas or electric motorized toy scooters (or any other "motor vehicle") not permitted to be on the roadway?

Answer: If applicable, any of the following would be the correct charges.

13-402 Vehicles subject to registration

- a. *General rule* - (1) Except as otherwise provided in this section or elsewhere in The Maryland Vehicle Law, each motor vehicle, trailer, semi-trailer, and pole trailer driven on a highway shall be registered under this subtitle.

(This is NOT the circle able charge on a MD Citation, you must write it in.)

21-1103 Driving on sidewalk

- a. Driving prohibited - Except as provided in section *b* or *c* of this section, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway.
- b. Exceptions - Bicycles, play vehicles, etc.
 - (1) For purposes of this subsection, "bicycle" does not include a "moped," as defined in 11-134.1 of this subsection, "bicycle" does not include a "moped," as defined in 11-134.1 of this article.
 - (2) Where permitted by local ordinance, a person may ride a bicycles, play vehicle, or unicycle on a sidewalk or sidewalk area.
- c. *Same - Special vehicles of individuals with disabilities* - Where permitted by local ordinance, an individual with a disability may use a special vehicle on sidewalks or sidewalk areas from one-half hour after sunrise to one-half hour before sunset.

(**"Play vehicle" is defined in 21-101(i) as "propelled only by human power."**)

16-101 Drivers must be licensed

- a. *In general* - An individual may not drive or attempt to drive a motor vehicle on any highway in this state unless:
 - (1) The individual holds a driver's license issued under this title;
 - (2) The individual is expressly exempt from the licensing requirements of this title; or
 - (3) The individual otherwise is specifically authorized to drive vehicles of the class that the individual is driving or attempting to drive.

16-304 Causing or permitting unauthorized minor to drive

- b. Knowingly permitting certain minors to drive - A person may not knowingly permit the person's child or ward, under the age of 15, to drive a motor vehicle on any highway;
 - (1) If the minor is not authorized by this title to drive; or
 - (2) Otherwise in violation of any of the provisions of this title.

Anyone having questions pertaining to this Training Bulletin should contact Cpl. Marvin Thomas at the P.S.T.A. at 301-279-1086.

J. Thomas Manger

July 21, 2004

J. Thomas Manger
Chief of Police

Date

SECTION	WORDING FOR THE WRITTEN CHARGE	FINES
13 402 a1	Driving unregistered (motor vehicle, trailer, semitrailer, or pole trailer) on highway	\$275.00
16 101 a	(Driving, Attempting to drive) motor vehicle on highway without required license and authorization	\$315.00
16 101 b	Operating a (moped, motor scooter) on highway without required license or permit	\$315.00
16 304 a	Causing (child, ward) under age 15 to drive motor vehicle on highway	\$275.00
16 304 b	Knowingly permitting (child, ward) under 15 to drive motor vehicle on highway	\$275.00
21 1103 a	Driving vehicle on sidewalk and sidewalk area where prohibited	\$55.00
21 1201 a	(Parent, Guardian) authorizing (minor, ward) to violate (bicycle, play vehicle, motor scooter) laws	\$35.00
21 1201 b	(Parent, Guardian) knowingly permitting (minor, ward) to violate (bicycle, play vehicle, motor scooter) laws	\$35.00
21 1205 1 a	Riding (bicycle, motor scooter) on (roadway with maximum posted speed above 50 mph, expressway, controlled access highway)	\$35.00
21 1205.1 b 1	Riding (bicycle, motor scooter) on roadway where smooth (bike lane, shoulder) available	\$35.00